



Amendment to the Claims:

This listing of claims will replace all prior versions and listings of claims in the application.

Listing of Claims:

1. **(Currently Amended)** A method for dynamically reducing latency over a communications network, the method comprising:
  - ~~a. determine~~ determining completion of processing of a next data block;
  - ~~b. determine~~ determining a number of samples remaining in a queue of a consuming device of the next data block;
  - ~~c. determine~~ determining a weighted variability in the number of samples remaining in the queue of the consuming device; and
  - ~~d. determine~~ determining if the remaining number of samples in the queue of the consuming device can be reduced based upon the weighted variability.
2. (Original) The method for dynamically reducing latency according to Claim 1, wherein the queue is reduced by increasing rate of consumption of the consuming device.
3. (Original) The method for dynamically reducing latency according to Claim 1, wherein the queue is reduced by resampling the samples to fewer samples.
4. (Original) The method for dynamically reducing latency according to Claim 1, wherein the queue is reduced by deleting samples in the queue.
5. (Original) The method for dynamically reducing latency according to Claim 1, wherein the queue is reduced by discarding samples of a data block.
6. (Original) The method for dynamically reducing latency according to Claim 5, wherein samples of a data block are discarded if the number of samples remaining in the queue is greater than a sum of a number of samples in a data block and the variability.

7. (Original) The method for dynamically reducing latency according to Claim 5, wherein samples of a data block are discarded if the number of samples remaining in the queue is greater than a sum of a number of samples in a data block and the variability and an immediately preceding data block was added to the queue.

8. (Original) The method for dynamically reducing latency according to Claim 5, wherein samples of data block are discarded if the number of samples remaining in the queue is greater than a sum of a number of samples in a data block and the variability and if at least one data block over a range of preceding data blocks was not added to the queue.

9. (Original) The method for dynamically reducing latency according to Claim 1, wherein samples in the queue are deleted if a total number of samples in the queue exceeds a predetermined threshold.

10-11. **(Canceled)**

12. (Original) The method for dynamically reducing latency according to Claim 5, wherein samples of data block are discarded if the number of samples remaining in the queue is greater than a sum of a number of samples in a data block, the variability and a bias.

13. (Original) The method for dynamically reducing latency according to Claim 5, wherein samples of data block are discarded if the number of samples remaining in the queue is greater than a sum of a number of samples in a data block and the variability and an immediately preceding data block was added to the queue.

14. (Original) The method for dynamically reducing latency according to Claim 5, wherein samples of a data block are discarded if the number of samples remaining in the queue is greater than a sum of a number of samples in a data block and the variability and if at least one data block over a range of preceding data blocks was not added to the queue.

15. (Original) The method for dynamically reducing latency according to Claim 13, wherein samples in the queue are deleted if a total number of samples in the queue exceeds a predetermined threshold.

16-18. (Canceled)

19. (Original) The method for dynamically reducing latency according to Claim 18, wherein the queue is reduced by increasing rate of consumption of the consuming device.

20. (Original) The method for dynamically reducing latency according to Claim 18, wherein the queue is reduced by resampling the samples to fewer samples.

21. (Original) The method for dynamically reducing latency according to Claim 18, wherein the queue is reduced by deleting samples in the queue.

22. (Original) The method for dynamically reducing latency according to Claim 18, wherein the queue is reduced by discarding samples of a data block.

23. (Original) The method for dynamically reducing latency according to Claim 22, wherein samples of a data block are discarded if the number of samples remaining in the queue is greater than a sum of a number of samples in a data block and the variability.

24. (Original) The method for dynamically reducing latency according to Claim 22, wherein samples of a data block are discarded if the number of samples remaining in the queue is greater than a sum of a number of samples in a data block and the variability and an immediately preceding data block was added to the queue.

25. (Original) The method for dynamically reducing latency according to Claim 5, wherein samples of a data block are discarded if the number of samples remaining in the queue is greater than a sum of a number of samples in a data block and the variability and if at least one data block over a range of preceding data blocks was not added to the queue.

26. (Original) The method for dynamically reducing latency according to Claim 24, wherein samples in the queue are deleted if a total number of samples in the queue exceeds a predetermined threshold.

27. (Canceled)

28. (Currently Amended) A method for dynamically reducing latency over a communications network, the method comprising:

[[a.]] identifying when a data block is ready to be added to a queue of a consuming device;

[[b.]] polling the consuming device and calculating number of samples consumed by the consuming device since previous polling of the consuming device;

[[c.]] calculating a weighted variability in the number of samples consumed by the consuming device; and

[[d.]] determining if the remaining number of samples in the queue of the consuming device can be reduced based upon the weighted variability

29. (Currently Amended) A system for dynamically reducing latency over a communications network, the system comprising:

[[a.]] means for determining completion;

[[b.]] means for determining a number of samples remaining in a queue of a consuming device of the next data block;

[[c.]] means for determining a weighted variability in the number of samples remaining in the queue of the consuming device; and

[[d.]] means for determining if the remaining the number of samples in the queue of the consuming device can be reduced based upon the weighted variability and if so reduce the queue.

30. (Original) The system for dynamically reducing latency according to Claim 29, wherein the queue is reduced by increasing rate of consumption of the consuming device.

31. (Original) The system for dynamically reducing latency according to Claim 29, wherein the queue is reduced by resampling the samples to fewer samples.
32. (Original) The system for dynamically reducing latency according to Claim 29, wherein the queue is reduced by deleting samples in the queue.
33. (Original) The system for dynamically reducing latency according to Claim 29, wherein the queue is reduced by discarding samples of a data block.
34. (Original) The system for dynamically reducing latency according to Claim 22, wherein samples of a data block are discarded if the number of samples remaining in the queue is greater than a sum of a number of samples in a data block and the variability.
35. (Original) The system for dynamically reducing latency according to Claim 33, wherein samples of a data block are discarded if the number of samples remaining in the queue is greater than a sum of a number of samples in a data block and the variability and an immediately preceding data block was added to the queue.
36. (Original) The method for dynamically reducing latency according to Claim 5, wherein samples of a data block are discarded if the number of samples remaining in the queue is greater than a sum of a number of samples in a data block and the variability and if at least one data block over a range of preceding data blocks was not added to the queue.
37. (Original) The system for dynamically reducing latency according to Claim 31, wherein samples in the queue are deleted if a total number of samples in the queue exceeds a predetermined threshold.
38. **(Canceled)**

39. (Original) The system for dynamically reducing latency according to Claim 33, wherein samples of a data block are discarded if the number of samples remaining in the queue is greater than a sum of a number of samples in a data block, the variability and a bias.

40. (Canceled)

41. (Currently Amended) A Software product for dynamically reducing latency over a communications network, the software product residing on a computer readable medium capable of instructing a processor to perform instructions to:

[[a.]] determine completion of processing of a next data block;

[[b.]] determine number of samples remaining in a queue of a consuming device of the next data block;

[[c.]] determine **a weighted** variability in number of samples remaining in the queue of the consuming device; and

[[d.]] determine if the remaining number of sample in the queue of the consuming device can be reduced based upon the **weighted** variability and if so reduce the queue.

42. (Original) The software product for dynamically reducing latency according to Claim 41, wherein the queue is reduced by increasing rate of consumption of the consuming device.

43. (Original) The software product for dynamically reducing latency according to Claim 41, wherein the queue is reduced by resampling the samples to fewer samples.

44. (Original) The software product for dynamically reducing latency according to Claim 41, wherein the queue is reduced by deleting samples in the queue.

45. (Original) The software product for dynamically reducing latency according to Claim 41, wherein the queue is reduced by discarding samples of a data block.

46. (Original) The software product for dynamically reducing latency according to Claim 45, wherein samples of a data block are discarded if the number of samples remaining in the queue is greater than a sum of a number of samples in a data block and the variability.

47. (Original) The software product for dynamically reducing latency according to Claim 45, wherein samples of data block are discarded if the number of samples remaining in the queue is greater than a sum of a number of samples in a data block and the variability and an immediately preceding data block was added to the queue.

48. (Original) The software product for dynamically reducing latency according to Claim 45, wherein samples of data block are discarded if the number of samples remaining in the queue is greater than a sum of a number of samples in a data block and the variability and if at least one data block over a range of preceding data blocks was not added to the queue.

49. (Original) The software product for dynamically reducing latency according to Claim 1, wherein samples in the queue are deleted if a total number of samples in the queue exceeds a predetermined threshold.

50. **(Canceled)**

51. **(Currently Amended)** An audio and video consuming apparatus capable of dynamically reducing latency of data blocks received from a communications network, the apparatus comprising:

- a processor, wherein the processor includes a memory;
- peripherals in communication with and controlled by the processor, capable of at least one of sending, receiving and consuming data blocks; and
- a software product, wherein the software product is capable of instructing the processor to execute instructions to:
  - determine completion of processing of a next data block;
  - determine a number of samples remaining in a queue of said consuming apparatus of the next block;

determine **a weighted** variability in the number of samples remaining in the queue of said consuming apparatus; and

determine if the remaining number of samples in the queue of said consuming apparatus can be reduced based upon the **weighted** variability.